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Fire Insurance Company, and Travelers Casualty
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, for the use
and benefit of SUSTAINABLE MODULAR
MANAGEMENT, INC., a Texas corporation,

Plaintiff,

vs.

JE DUNN CONSTRUCTION
COMPANY; FEDERAL INSURANCE
COMPANY; HARTFORD FIRE
INSURANCE COMPANY; TRAVELERS
CASUALTY AND SURETY COMPANY
OF AMERICA; DOE Individuals I-X and
ROE Entities I-X, inclusive,

Defendants.

Case No.: 2:20-cv-00790-GMN-NJK

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE PRE-
TRIAL ORDER**

**(FIFTH REQUEST FOR EXTENSION
OF TWO WEEKS)**

This Stipulation for a Fifth Extension of Two Weeks to file Joint Pre-Trial Order, until and
including December 6, 2024, is made by and between Plaintiff, United States of America, for the
use and benefit of Sustainable Modular Management, Inc. (“SMM”) and Defendants, JE Dunn

1 Construction Company (“JE Dunn”), Federal Insurance Company; Hartford Fire Insurance
2 Company; Travelers Casualty and Surety Company Of America (collectively “the Surety
3 Defendants”), and in support thereof, the Parties respectfully state:

4 1. The Parties have continued to work diligently and cooperatively on the Joint
5 Proposed Pretrial Order. SMM’s initial draft of the fact section of joint proposed pretrial order
6 exceeded 70 pages. JE Dunn’s counsel sent SMM’s counsel a revised draft of the fact section of
7 joint proposed pretrial order on November 14, 2024, and it now exceeds 100 pages. The parties
8 are working hard as detailed herein to agree upon as many exhibits, material facts, and legal issues
9 as possible to narrow the issues and simplify the trial not only for the parties, but also the Court.

10 2. The Parties filed a request for an extension in March 2024 before the scheduled
11 settlement conference, and three requests for an extension after the Court cancelled the settlement
12 conference, on August 14, 2024, September 20, 2024, and October 21, 2024.

13 3. The Parties filed their Fourth Stipulation for Extension of Time to File Pre-Trial
14 Order [Dkt. 150] (the “Motion”) on October 21, 2024, which requested an extension to November
15 22, 2024. The Court granted the Motion on October 30, 2024 [Dkt. 151] and extended the deadline
16 to file the Joint Proposed Pre-Trial Order to November 22, 2024.

17 4. The Parties have exchanged their versions of the proposed material facts, and have
18 exchanged proposed exhibit lists. SMM provided an initial version of its proposed material facts
19 on October 7, 2024, and JE Dunn provided its revised version to SMM on November 14, 2024.
20 SMM provided an initial version of its proposed legal issues on October 11, 2024, which JE Dunn
21 and the Surety Defendants are currently reviewing and revising.

22 5. Managing the exhibits, contested and uncontested material facts, and legal issues
23 remains cumbersome due to the number of exhibits, the extended time-period involved in the
24 dispute and the substantial factual background necessary to understand and determine the disputed
25 facts and legal issues. Similarly, preparing the statement of material facts has required an intensive
26 review of the underlying documents. Reconciling the Parties’ respective revisions to the Joint
27 Proposed Pretrial Order will necessarily also be labor-intensive.
28

1 6. Counsel for the Parties have scheduled three videoconference meetings over the
2 next few weeks during which the Parties intend to reconcile and stipulate to as many material facts
3 and legal issues as possible to narrow matters for trial.

4 7. Consequently, the Parties are requesting an additional 14 days, until December 6,
5 2024, to submit their Joint Proposed Pretrial Order so they can continue efforts to submit a
6 thorough Proposed Order, including stipulating to as many material facts and legal issues as
7 possible to narrow matters for trial.

8 8. In addition to the progress the Parties have made working on the Joint Proposed
9 Pretrial Order, counsel for both Parties have also maintained a heavy workload in other matters.
10 Mr. Alfred, counsel for SMM, has (1) continued efforts in drafting and finalizing a petition for
11 review before the Texas Supreme Court that was filed on November 18, 2024, (2) attended
12 multiple hearings on dispositive motions on November 4, 2024 in Collin County, McKinney,
13 Texas; (3) prepared and filed an Objection to Memorandum Opinion and Order on the denial of a
14 Motion to Stay and prepared a reply to Plaintiffs' response thereto in federal court in Dallas; (4)
15 prepare a response to a motion to dismiss in a case filed in Dallas federal court; and (5) handled
16 various discovery, expert, and other matters in multiple cases.

17 9. Robert Roos, counsel for JE Dunn and the Surety Defendants, had dispositive
18 motion deadlines in two cases over the past two weeks, one on November 7 and one on November
19 15, 2024. In addition, he had an all day mediation on October 28, prepared a motion for
20 reconsideration in an injunction proceeding, and has been engaged in settlement negotiations in
21 that same proceeding.

22 10. Accordingly, and also in light of the Thanksgiving holiday, the Parties respectfully
23 and jointly request a 14-day extension of time to file the Joint Proposed Pretrial Order until and
24 including December 6, 2024.

25 11. There is good cause to grant this stipulation because the Parties have been working
26 diligently and cooperatively on the proposed Joint Proposed Pretrial Order but require additional
27 time to prepare and finalize it.
28

12. This is the Parties' fifth request for an extension of the deadline to file their Joint Proposed Pretrial Order but the fourth request since the court cancelled the settlement conference previously scheduled for June 25, 2024. This stipulation is filed in good faith and not intended to cause delay.

13. The Parties do not at this time anticipate requesting a further extension of the deadline to file their Proposed Joint Pretrial Order.

DATED this 19TH day of November 2024.

DATED this 19TH day of November 2024.

HARTWELL THALACKER, LTD.

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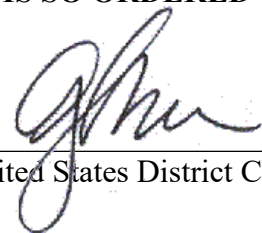
Attorneys for Plaintiff

*Attorneys for Defendant/Counterclaimant
JE Dunn Construction Company and Surety
Defendants*

ORDER

IT IS SO ORDERED

Dated: November 19, 2024.



United States District Court Judge

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and Section IV of District of Nevada Electronic Filing Procedures, I certify that on November 19, 2024, the above FIFTH STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE PRE-TRIAL ORDER was served via electronic service on all counsel of record.

/s/Robert Roos